
OLR Bill Analysis

sHB 6398

AN ACT CONCERNING A SAFE HAVEN FROM EVICTION FOR ELDERLY AND DISABLED TENANTS.

SUMMARY:

This bill prohibits housing authorities, community housing authorities, and other corporations from evicting public housing tenants without good cause who (1) are elderly (age 62 or older), (2) have a mental or physical disability as defined under the Americans with Disabilities Act (ADA), or (3) reside with a spouse, sibling, parent, or grandparent who is elderly or has such a disability.

The law already protects these tenants from eviction if they reside in a building or complex with five or more units or a mobile manufactured home park. The bill extends the protection from eviction to those who reside in a building or complex with fewer than five units.

The bill also requires the aging and housing commissioners (the aging commissioner has not been appointed), by October 1, 2013, to compile a list of services and programs to help public housing tenants who are elderly or have a disability avert homelessness if they are evicted for good cause. The commissioners must distribute this list to the above public housing providers, who must include it in any notice to quit they give to these tenants.

The bill also makes a technical change.

EFFECTIVE DATE: Upon passage

GOOD CAUSE DEFINED

As under current law, the bill defines "good cause" as:

1. nonpayment of rent;

2. refusal to agree to a fair and equitable increase;
3. material noncompliance with the tenant's statutory responsibilities that materially affects other tenants' health and safety or the premises' physical condition;
4. voiding the rental agreement by using the premises for certain illegal acts;
5. material noncompliance with the rental agreement or the landlord's rules and regulations;
6. permanent removal of the dwelling unit from the housing market; or
7. the landlord's bona fide intention to use the dwelling unit as his or her principal residence.

BACKGROUND

ADA Definition of Disability

Under the ADA, a person with a disability is someone who (1) has a physical or mental impairment that substantially limits one or more major life activities, (2) has a record of having such an impairment, or (3) is regarded as having such an impairment (42 § USC 12102).

COMMITTEE ACTION

Aging Committee

Joint Favorable Substitute

Yea 12 Nay 0 (03/07/2013)